COUNTY OF LOS ANGELES SHEXIFF'S DEPARTMENT ~

June 1, 2004 DATE:

OFFICE CORRESPONDENCE

FILE:

FROM:

JOHNNY G. JURADO, COMMANDER LEADERSHIP & TRAINING DIVISION

TO: ERIC K. HAMILTON, CAPTAIN

COMPTON STATION

SUBJECT:

EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, OCTOBER 18, 2003, REVIEW #2101485

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on October 18, 2003.

The Committee met on May 27, 2004, and consisted of myself and Commanders Kenneth Brazile (Commander of the Department) and Robert Binkley (FOR III). The Committee determined that the use of force by Deputies Joseph Valencia # was within Department policy. Please advise the deputies of this finding.

The Committee directed the Unit Commander to conduct a tactical debriefing with the involved deputies and arrange for the deputies to attend the Department's Continued Professional Training (CPT).

JGJ:KRK:kk

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NEW CASE FORMAT MEMORANDUM

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INVESTIGATIVE SUMMARY NON - HIT SHOOTING SH 2101485 403-14926-2811-055

DATE:

TIME:

October 18, 2003 (Saturday)

TIME: LOCATION:	0130 hours Palmer Ave., Compton 90220
	Porlier and Gregory Key responded to Palmer Ave., Compton, regarding a d non - hit shooting.
SYNOPSIS	
in the city of C	ompton as While on routine patrol, they saw a male with a gun. A foot which culminated in an officer involved non - hit shooting.
INVOLVED E	CMPLOYEES STATEMENTS:
interviewed by	, 2003, Deputy wrote an arrest report. On November 12, 2003, he was Internal Affairs Bureau Sergeant Key and Harris. Both the arrest report and the in essentially the same information and are summarized as follows:
Deputy Valence south on Dwi Amacker) walk paralleled him,	stated that he and Deputy Valencia were on routine patrol in the city of Compton. ia was the driver and Deputy was the passenger (book man). While turning ght Ave. from School St., they saw a male Black (later identified as S/Kristian ing north on the west sidewalk of Dwight Ave. As they drove toward the suspect, and he reached into his waistband with his right hand, removed a black handgun, and north away from them.
	IAB NOTE: In his interview with Internal Affair Bureau Sergeant Key and Harris, Deputy stated that he was parallel to the suspect when the suspect pulled the gun out. Stated that if the suspect was going to engage him, he did not want to stay in the car. He exited the vehicle to engage the suspect from a position where he had the advantage. (IAB Transcripts Page 7)
north on Dwigl	initiated a foot pursuit and advised SCC via his handheld radio that he was in foot n with a gun. Deputy Valencia followed in the radio car. They followed the suspect ht Ave. to west on Palmer Ave. (one block). Suspect Amacker turned left and range Ave. to W. Palmer. Ave. The suspect ran the entire distance with the handgung

Palmer Ave., S/Amacker ran north, down the driveway along in his right hand. Upon reaching the east fence line of the location (single family residence) until he reached a side metal gate. stated that while following the suspect, he stayed IAB NOTE: Deputy within fifteen or twenty feet behind him. I asked Deputy if he ever lost sight of his partner. He said, "no." He stated that at one point Deputy Valencia was behind him, but he knew he was there because he could hear the car. IAB Transcripts Page 3, 4) (Deputy The suspect ran the entire distance with the gun in his right hand. Deputy told him several times to stop and drop the gun. (Deputy Transcripts Page 4) still in foot pursuit, slowed, squatted next to the east fence, south of the suspect, Deputy and ordered S/Amacker to stop and drop the gun. S/Amacker quickly spun around to his left and held was approximately fifteen feet from the handgun in his right hand at waist level. Deputy S/Amacker. Deputy Valencia was behind (south of) Deputy Fearing S/ Amacker was going to shoot either himself or his partner, Deputy fired one round from his Departmentally issued 9mm Beretta. The suspect continued spinning to his left, and using a hooking motion, threw the handgun in a northerly direction, over a metal fence. S/Amacker immediately fell to the ground, and prostrated himself face down with his head facing south and his hands above his head. Upon the arrival of additional Compton units, the suspect was arrested. The suspect was not injured during the incident. S/Amacker's left front pants pocket contained a single entry an exit hole. A cell phone located in his front left pocket was also damaged. The handgun was recovered from the backyard Brazile Ave. (residence directly Palmer Ave.) ARREST REPORT SEE EXHIBIT A, DEPUTY

DEPUTY VALENCIA

On October 18, 2003, Deputy Valencia wrote a supplementary report. On November 12, 2003, he was interviewed by Internal Affairs Bureau Sergeant Key and Harris. Both the supplementary report and the interview contain essentially the same information and are summarized as follows:

Deputy Valencia stated that he and Deputy were on routine patrol in the city of Compton. Deputy Valencia was the driver and Deputy the passenger (book man). While turning south on Dwight Ave. from School St., they saw a male Black (later identified as S/Amacker) walking north on the west sidewalk of Dwight Ave. As they drove toward the suspect, they noticed a startled expression on his face. With both hands, S/Amacker reached to the front of his waistband. Deputy Valencia, who believed S/Amacker was attempting to arm himself with a weapon, exited the radio car. S/Amacker removed a black handgun, and began running north on the west sidewalk of Dwight Ave., with the pistol in his hand.

Deputy pursued the suspect on foot and initiated an emergency broadcast to the Sheriff's Communication Center re: being involved in a foot pursuit of an armed suspect. Deputy Valencia

followed in the radio car, driving in reverse, paralleling Deputy and S/Amacker. They followed S/Amacker north on Dwight Ave from School St., to west on Palmer Ave. (one block). S/Amacker turned west, running northwest on Palmer Ave., toward the north sidewalk. Deputy Valencia was then able to drive forward, next to S/Amacker, passing Deputy Deputy Valencia illuminated S/Amacker with the radio car's head and spot lights. He observed suspect Amacker still running with the black pistol in his right hand.
Suspect Amacker ran north to the east portion of the front yard, paralleling the driveway of Palmer St. (single story residence). Deputy Followed S/Amacker to the front of the driveway. Both, Deputy Valencia and Followed S/Amacker to drop the pistol. However, he refused.
Deputy Valencia exited his vehicle to engage in the foot pursuit. While exiting the vehicle, Deputy Valencia observed S/Amacker reach a closed wrought iron gate, which was at the end of the driveway. S/Amacker turned toward both Deputy Valencia and and pointed a pistol at them. The suspect was holding the pistol at waist level.
Deputy Valencia observed Deputy bend at the waist and knees and assume a tactical shooting position. Deputy Valencia heard a single gun shot coming from the area of S/Amacker and believed S/Amacker had just fired at Deputy Fearing for his life and the life of his partner, Deputy Valencia fired one round from his Departmentally issued 9mm Beretta.
Deputy Valencia said that he was standing next to the front driver's side quarter panel of his radio car when he fired. Prior to firing, Deputy Valencia raised his duty weapon and accessed his line of fire. He observed Deputy was approximately five feet east of him, and had assumed a lowered combat position.
Simultaneous to the gunshots, S/Amacker tossed the pistol over his head with his right hand. S/Amacker then lay on the ground in front of the fence and was taken into custody.
During the incident, the rear window of a vehicle (Ford, Coupe, parked in the driveway of the location was shattered. Deputy Valencia believes his bullet impacted and shattered the window.

SEE EXHIBIT A, DEPUTY VALENCIA'S SUPPLEMENTARY REPORT.

SUSPECT/INMATE STATEMENTS

On October 18, 2003, S/Amacker was interviewed by Operation Safe Street Detective Q. Rodriguez. Detective Q. Rodriguez asked the suspect if he would mind talking to Internal Affairs Bureau. Suspect Amacker stated that he did not want to talk to Internal Affairs. The following is a summation of the interview Detective Q. Rodriguez had with Suspect Kristian Amacker:

Initially Suspect Kristian Amacker denied possessing a weapon. He later changed his story and said that he ran because he thought the deputies were going to contact him. He denied running with the

gun in his hand, stating the gun was in his right front pocket. He admitted carrying the gun for protection. He ran to the location, W. Palmer Ave., because he knew one of the occupants. Upon reaching the gate, he pulled the gun out with his right hand. He denied trying to shoot the deputies. When he turned toward the deputies with the gun, he was trying to separate himself from the gun. While tossing the weapon, he turned toward the deputies a little. The deputies fired their weapons, hitting his cell phone which was in his left front pocket. Deputy and Valencia ordered him to get down and he complied. WITNESS STATEMENTS: On October 18, 2003, Internal Affairs Bureau Sergeants Porlier and Key interviewed Witness at her residence, stated that she was lying in bed when she heard the sound of two Witness gun shots and the police say stop. The shots were one after another. She then heard the deputies asked the suspect about getting rid of a "strap" and if he was shot. Witness she knows a strap is slang for a gun. She did not hear the suspect reply. Approximately a minute after she heard the shots, she looked out of her side door. She could not see the suspect, but from the sound of his voice she knew he was lying between her side fence and one of the vehicles parked car port. She then observed several deputies in front of the location. On October 18, 2003, Internal Affairs Bureau Sergeant's Porlier and Key interviewed Witness at his residence. stated that he was lying in bed when he heard two shots. Heard deputies ask the suspect if he was shot and what he did with the "strap." He could not hear the suspect's response. He saw them handcuff the suspect and walk him to a police car. On October 18, 2003, Internal Affairs Bureau Sergeant's Porlier and Key interviewed Witness at his residence stated that he heard two gunshots and jumped out of bed. He stated that the shots sounded like were fired in front of his home. He went to the front window and heard people talking. He then went to a side window and heard someone say "freeze, freeze, freeze." He observed the side gate open and saw numerous deputies outside with their guns drawn and holding flashlights. He heard the suspect say he ran because he had a warrant and was scared. A deputy told him that he was lying because he saw him throw a strap. The suspect continued denying he threw a gun, but house. ultimately admitted that the gun was at the stated that they keep the gate closed but unlocked. He further stated that he recognized the suspect as someone who lives in the neighborhood, but does not know his name. He

house earlier that day when he saw the suspect riding a minibike. He further stated

was at a

that the suspect would have no reason to come to his house.

On October 18, 2003, Internal Affairs Bureau Sergeant's Porlier and Key interviewed Witness at his residence,
Witness stated that he was asleep in bed when he was awaken by the sound of two
gunshots. He went to the rear side door and heard the suspect say something to the effect that he was
running because he had a warrant.
On October 18, 2003, Internal Affairs Bureau Sergeant's Porlier and Key interviewed Witness at his residence,
Witness stated that he was asleep inside a car (Ford Taurus, blue, no plates) which
was in the carport of the location. Sometimes he sleeps in the vehicle instead of going inside his
home. He entered the car about 09:00 P.M. or 10:00 P.M He was awakened by the sound of a car engine and a siren. He thought to himself, the deputies are chasing someone and went back to sleep.
He estimates that it was five or ten minutes later when he was awakened by the sound of two or three
consecutive gun shots. He then heard deputies yelling "get down, get down." He observed several
deputies running back and forth. He heard deputies ask the suspect why he ran and where he threw the gun. Witness said that he heard the suspect say "I threw the gun back over there
somewhere."He also heard the suspect say something about a house. The deputies handcuffed
the suspect and placed him in a police car. He then observed the deputies search for the gun. Witness
stated that he did not observe any force used on the suspect and stated the deputies did a good job.
On Continuity 2002, Internal Affairs Brown Control Public and Manifestational Witness
On October 18, 2003, Internal Affairs Bureau Sergeant's Porlier and Key interviewed Witness at her residence.
involved shooting. She was also interviewed by Compton Station Deputy K. Nelson # who
wrote a supplemental report. Both Deputy K. Nelson's supplemental report and our interview
contain substantially the same information and are summarized as follows:
Witness had just pulled into her driveway (located on the east side of her home)
when she observed a police car drive west on Palmer Ave., passing her house and stopping at Palmer Ave. As she exited her vehicle, she looked over and saw a Deputy fire his gun in a northerly
direction down her neighbors' driveway. She recalls seeing a deputy standing north of the sidewalk,
and to the rear of a vehicle which was parked in her neighbor's driveway. She is unsure which door
the deputy exited the patrol vehicle and does not recall if the deputy she saw is the same deputy who exited the patrol car or not. She also was not positive only one deputy was present.
extend the patrol car of not. One also was not positive only one deputy was present.
Witness believes she heard three gunshots, two consecutive shots, a slight pause and then a third. She then ran inside her home via her rear door. She heard the deputy yell something
and then a time. She then fall histories her nome via her real door. She heard the deputy yell something

but she does not know what he said. Witness did not hear or see anything else.
Sergeant Porlier asked Witness was home at the time of the incident. She stated that her was home at the time of the incident, but that he left to go fishing shortly after her arrival. She stated that her was home at the time of the incident, but that he left shorts, but did not see anything.
On October 18, 2003. Compton Station Deputy K. Nelson went to and interviewed both and (See supplemental report by Deputy K. Nelson). The following is a summation of Deputy K. Nelson's interview with Witness
Witness told Deputy K. Nelson that he heard two gunshots but did not see or hear anything else.
WITNESS On October 18, 2003, Internal Affair's Bureau Sergeant Porlier and Key interviewed Witness A summation of the interview is as follows:
Witness which is the location where the suspect's weapon was recovered. Witness stated that he was at home asleep when he was awaken by a loud thump, like the sound of a piece of metal hitting the rear of his home. He heard an officer say something to the effect of "get down, get down," or something like "stop running." He also heard sirens and someone saying check the pink house. He recalls hearing someone running through a yard but does not know which yard.
The remaining witnesses listed on the "Officer Involved Shooting Form" only heard the sound of an engine revving or shots fired. These witnesses' statements are listed in supplemental reports prepared by Compton station deputies, under file number 403-14926-2811-055.
INJURIES: Neither the suspect nor deputies were injured.
PHYSICAL EVIDENCE: LASD Scientific Services Forensic Identification Specialist Fred Roberts photographed the incident scene. Additionally, photographs of the recovered weapon, expended shell casings, the suspect's pants and cell phone, tire marks, as well as a vehicle's shattered window were taken.

I observed that Deputy Valencia and radio car was parked facing west. The front of the

radio car (front doors and hood) were adjacent to the driveway of Palmer St.

INVESTIGATOR OBSERVATIONS:

There were two expended shell casings. One shell casing (Luger 9mm) was laying in the street, approximately ten feet south of the north curb line, of Palmer St., next to the driver side front door of Deputy and Valencia's radio car. The other shell casing (9mm Luger) was laying in the grass, approximately 24 feet north of the north curb line, between the driveway and the east fence of Palmer St.
I observed what appeared to be a bullet hole on the bottom westside of the wrought iron fence, which is the side of the gate that swings open. The fence is approximately sixty feet north of the north curb line of Palmer St.
I observed a shattered rear window to a vehicle parked at Palmer St. The vehicle was parked in the driveway facing north and was approximately twenty-three feet north of the north curb line of Palmer St.
I also observed a black revolver (Taurus 38 Cal.), in the back yard of revolver was laying three to four feet south of the south facing wall of the residence (which is directly of W. Palmer Ave.) I observed recently removed stucco from the rear south facing wall of that location. The stucco was possibly removed when the suspect threw the firearm and the firearm hit the wall. The resident stated that he heard a thump on the rear wall of his home, which was possibly caused by the firearm hitting the wall.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputy personnel used Department issued Beretta 9mm handguns. A check of both deputies firearms revealed that they both had one live 9mm Luger round in the chamber and fourteen live Luger rounds in their magazine.

USED BY SUSPECT

Black revolver, Taurus, 38 caliber, containing five live rounds.

Los Angeles County Sheriff's Der ortment Officer Involved Shooting

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Employee #	Last Nan	ne	First	Name	M.I.	EM	e (circle only one): PM Day		Overtime Off Duty
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Last Name					First	Name			M.I.
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Last Name					First	Name			M.I.
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				Super	rvisors				
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Officer Involved Shooting

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				Rollout Information			
Arrival Date	10/18/03	Arrival Time	0330	Date Submitted	Date of Recommendation		
Employee #	Last Name	SENO		Fi	BENNETT	M.I	W
Employee #	Last Name	PORLIER		Fi	CLAY	M.I	S
Employee #	Last Name	GREGG		Fi	LAWRENCE	M.I	R
			Shoo	oting / Force Informati	on		

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				Shoot	ing / Force Informat	tion						
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(BW) (CH)	Browning Charter Arms	(LU) (MA)	Luger Marlin	(SR) (ST)	Sturm Ruger Sterling	Calit	oer					
(CO) (DA) (GL) (HA) (HI) (HK)	Colt Davis Industries Glock Harrington & Richardson Hi Standard H & K (thica	(MO) (NC) (NA) (NO) (RA) (RM) (RG)	Mossberg NCI aka SKS North Americ Norinco Raven Remington RG		Taurus Weatherby Winchester US Government Handmade (Inmate) Homemade (Non-Inmate) Other Brand	(9) (10) (12) (20) (21)	9 mm 10 mm 12 guage 20 guage .22-250 .22 caliber .223 caliber	(24) (25) (30) (35) (36) (38) (40)	.243 ca .25 cali .308 ca .357 ca .30-60 d .38 cali .40 cali	iber aliber aliber caliber iber	(41) (44) (45) (50) (SL) (WW)	.410 guage .44 caliber .45 caliber 50 mm Slug Other calibe

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Υ	Y	NN	
E#2	S#1	FH	BR	9	Y	Υ	NN	
S#1	E#1,2	UC	-	-	-	-	NN	_
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Officer Involved Shooting Involved Employee Information

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Involved Employee M.L First Name Last Name Employee JOSEPH VALENCIA Work Assignment (Unit # Module etc Unit Assignment: COMPTON **B-1** М Substance Used: ShiftType (circle only one): ShiftTime (circle only one): Intoxication/Drug Usage? Regular Overtime Off Duty PM Coroner Case # Hospital Name: Interviewed? Coroner Case? Hospital Admission? N/A Other Factors: Hrs of sleep prior to shooting: Clothing (circle only one): Plain Clothes no Vest Raid Jacket w/ Vest 5-6 Plain Clothes w/ Vest Height: Weight: Age: Raid Jacket no Vest Uniform w/ Vest 220 600 Laser Training Date: PPC Qualification Date: Range Qualification Date: Number of Prior Shootings: Certification Uni Prior Shootings? 1 Patrol Certification? Certified with Weapon Used' M.L First Name Field Training Officer Emp ast Name First Name M.I. Field Training Officer E Last Name First Name Last Name Employee # E 2 Work Assignment (Unit # Module, etc. Unit Rank Substance Used: ShiftType (circle only one) Intoxication/Drug Usage? Coroner Case # Hospital Name: Interviewed? Coroner Case? Hospital Admission? N/A Other Factors: Hrs of sleep prior to shooting: Duty Time (hrs Clathing (circle only one): Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Height: Weight: Raid Jacket no Vest Uniform w/ Vest Laser Training Date: PPC Qualification Date: Range Qualification Date: Number of Prior Shootings: Certification Uni 2 Prior Shootings? Patrol Certification? Certified with Weapon Used? MIL First Name Field Training Officer Emp ast Name M.I. First Name Field Training Officer Emp # Last Name First Name Last Name Employee # E Work Assignment (Unit #, Module, etc.): Unit Assignment: Race Rank Substance Used: ShiftType (circle only one): ShiftTime (circle only one): Introducation/Drug Usage? Regular Overtime Off Duty Coroner Case # Hospital Name: Interviewed? Hospital Admission? Coroner Case? Other Factors: Hrs of sleep prior to shooting: Duty Time (hrs): Clothing (circle only one): Plain Clothes no Vesl Plain Clothes w/ Vest Height: Weight: Uniform w/ Vest Raid Jacket no Vest Laser Training Date: PPC Qualification Date: Range Qualification Date: Number of Prior Shootings: Certification Unit: Prior Shootings? Patrol Certification? Certified with Weapon Used? First Name Field Training Officer Emp # Last Name First Name Field Training Officer Emp # Last Name

Officer Involved Shooting Suspect Information

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1	The second second	S	iuspect l	Information	
1	Last Name AMACKER			First Name KRISTIA	AN M.L.
	AKA Last Name			First Name	M.I.
-	Sex: M Race: B	Street Address:		City	Stola 9 Zin Code
	Work Phone:	Home Phone:	Social Sec	curity#	Driver's Licence #
	Age: 20 D.O.B. 050683	Height: 509 Weight: 181	FBI#		CII #
	Booking # 7878665	Primary Charge: 245(d)(1) PC	Secondary Charge:	12021(a) (1) PC
	Coroner Case?	Coroner Case #		Intoxication/Drug Usage?	Substance Used:
	Armed?	Apprehended?		Mentai Illness?	Criminal History? Year:
	Vehicle Make			MOUSI.	Todi.
	Last Name			First Name	M.I.
	AKA Last Name			First Name	M.I.
	Sex: Race:	Street Address:		City	State & Zip Code:
	Work Phone:	Home Phone:	Social Se	curity #:	Driver's License #:
	Age: D.O.B.	Height: Weight:	FBI#		CII#
	Booking #	Primary Charge:		Secondary Charge:	
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SUPPLEMENTAL NON-EMPLOYET WITNESSES
Los Angeles County Sheriff's Department

